APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
ROCHE, TRENTON J

ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/766,383	BETROS ET AL.
	Examiner	Art Unit
	Trent J Roche	2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _19 January 2001_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-14_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-14_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _19 January 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-14 have been examined.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 3, 5, 10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, 5, 10 and 12 contain the trademark/trade name Java™. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a bytecode based object-oriented programming language and, accordingly, the identification/description is indefinite. Further, note MPEP 2173.05(u).

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,182,119

to Chu.

Regarding claim 1:

Chu teaches:

-   a method of filtering messages ("a method for filtering data..." in col. 12 line 43)

-   receiving a text-based filter string representing filter criteria ("Filter objects...provide

    filtering criteria..." in col. 5 lines 32-33. Further, an exemplary set of filter objects are

    provided in col. 6 lines 38-46, wherein the filters are text based.)

-   converting the text-based filter string directly to machine-language filter code once for use

    by a code section of a computer program ("the various components as well as the dispatch

    system coordinator itself are implemented as objects defined in JAVA classes" in col. 9 lines

    17-19. The conversion to machine-language is inherent when something is compiled into a

    Java class)

-   executing the machine-language filter code to accept or discard multiple messages received

    by or residing within one or more software components ("Filter objects receive messages

from publishers and provide filtering criteria that decides whether the message should be

dispatched to its subscribers" in col. 5 lines 32-34)

as claimed.

Regarding claim 2:

The rejection of claim 1 is incorporated, and further, Chu discloses executing the machine-language

filter code by a central processing unit as claimed ("message filtering and dispatching is performed

by computer system 100 in response to processor 104 executing one or more sequences of one or

more instructions..." in col. 3 lines 49-51)

Regarding claim 3:

The rejection of claim 2 is incorporated, and further, Chu discloses a Java virtual machine as claimed

("the class files are interpreted by an interpreter generally referred to as a JAVA virtual machine" in

col. 9 lines 22-24)

Regarding claim 4:

The rejection of claim 1 is incorporated, and further, Chu discloses the machine-language filter code

being directly executable by the central processing unit as claimed (Note rejection regarding claim 2)

Regarding claim 5:

The rejection of claim 4 is incorporated, and further, Chu discloses the machine-language filter code

as a Java class as claimed ("the various components as well as the dispatch system coordinator itself

are implemented as objects defined in JAVA classes" in col. 9 lines 17-19)

Regarding claim 6:

The rejection of claim 1 is incorporated, and further, Chu discloses the text-based filter string being human-readable as claimed (Note col. 6 lines 38-46, the FLT filter object definitions are human-readable.)

Regarding claim 7:

The rejection of claim 6 is incorporated, and further, Chu discloses the text-based filter string being formatted according to a conditional expression syntax (Note col. 6 lines 38-46, FLT filter object SimpleTextFilter uses a conditional to determine whether to allow or deny the message.)

Regarding claim 8:

Chu teaches:

- a system of filtering information transmitted from one or more software components within a computer program to one or more other software components within another computer program or the same computer program ("the use of computer system 100 for filtering…and acting upon information" in col. 3 lines 46-47)

- a filter generator configured to receive a text-based filter string representing filter criteria ("Filter objects…provide filtering criteria…" in col. 5 lines 32-33, "the dispatch system coordinator then loads and initializes the filters identified…" in col. 5 lines 62-63. Further, an exemplary set of filter objects are provided in col. 6 lines 38-46, wherein the filters are text based.)

- a machine language generator coupled with the filter generator and being configured to convert the text-based filter string directly to machine-language filter code once ("the various components as well as the dispatch system coordinator itself are implemented as objects defined in JAVA classes" in col. 9 lines 17-19. The conversion to machine-language is inherent when something is compiled into a Java class)

- a processor for executing the machine-language filter code for a software component of a computer program to accept or discard information received by the software component within the computer program ("Filter objects receive messages from publishers and provide filtering criteria that decides whether the message should be dispatched to its subscribers" in col. 5 lines 32-34)

as claimed.

Regarding claim 9:

The rejection of claim 8 is incorporated, and further, Chu discloses a processor as claimed ("message filtering and dispatching is performed by computer system 100 in response to processor 104 executing one or more sequences of one or more instructions…" in col. 3 lines 49-51)

Regarding claim 10:

The rejection of claim 8 is incorporated, and further, Chu discloses a Java virtual machine as claimed ("the class files are interpreted by an interpreter generally referred to as a JAVA virtual machine" in col. 9 lines 22-24)

Regarding claim 11:

The rejection of claim 8 is incorporated, and further, Chu discloses the machine-language filter code being directly executable by the central processing unit as claimed (Note rejection regarding claim 9)

Regarding claim 12:

The rejection of claim 11 is incorporated, and further, Chu discloses the machine-language filter code as a Java class as claimed ("the various components as well as the dispatch system coordinator itself are implemented as objects defined in JAVA classes" in col. 9 lines 17-19)

Regarding claim 13:

The rejection of claim 8 is incorporated, and further, Chu discloses the filter string being human-readable as claimed (Note col. 6 lines 38-46, the FLT filter object definitions are human-readable.)

Regarding claim 14:

The rejection of claim 13 is incorporated, and further, Chu discloses the filter string being formatted according to a conditional expression syntax (Note col. 6 lines 38-46, FLT filter object SimpleTextFilter uses a conditional to determine whether to allow or deny the message.)

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (703)305-4627. The examiner can normally be reached on Monday - Friday, 9:00 am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Trent J Roche
Examiner
Art Unit 2124

TJR

ANTONY NGUYEN-BA
PRIMARY EXAMINER